IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT APPEAL NO : 2073 of 2005

Between:

S.Gangaram

..... PETITIONER

AND

The A.P.State Wakf Board,

Rep. by its Chief Executive Officer,

Haj House, Nampally, Hyderabad, and 2 others.

.....RESPONDENTS

JUDGMENT: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

Heard learned Counsel for the appellant/petitioner and also learned Standing Counsel for the respondent-Wakf Board.

Petitioner-Appellant has filed W.P.No.18317 of 2005, which has been dismissed by the learned single Judge. He wanted that the respondent-Wakf Board should be directed to consider his representations made earlier, for

which a direction had already been given by a learned single Judge of this Court in W.P.No.23057 of 1996, dated 31-10-1996.

It appears that appellant has raised some disputes about the enhancement of rent, and according to him, a suit filed by the respondent before the A.P.Wakf Tribunal is pending. It has been stated at the bar that in the heart of the city, the appellant is in possession of 400 square yards of land. There is a shop in which he is doing business, and the monthly rent is Rs.3770/-.

We do not think there was any need for the respondent-Wakf Board to consider the representations made by the appellant in the light of the fact that a suit for eviction is also pending. In any case, there is no provision in Wakf Act for fixation of fair rent. The rent has to be mutually agreed, and if it is not acceptable to the tenant, he is always at liberty to leave the premises.

Writ Appeal is accordingly disposed of. No costs.

(Bilal Nazki, A.C.J)

26th October, 2005

(R.Subhash Reddy, J)

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